

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**IN RE:
CITY OF DETROIT, MICHIGAN**

**CASE NO. 13-53846
CHAPTER 9
JUDGE: STEVEN W. RHODES**

Debtor

**KIMBERLI POWELL, ET. AL'S OMNIBUS MOTION FOR RELIEF FROM THE
AUTOMATIC STAY PURSUANT TO 11 U.S.C. §362 and 11 U.S.C. §922; AND ENTRY
OF ORDER WAIVING THE PROVISION OF FRBP 4001(a)(3)**

NOW COME Movants, Kimberli Powell, *et. al.*, by and through their attorneys, B.O.C. Law Group, P.C., and in support of this Motion for Relief from the Automatic Stay states the following:

1. This Court has jurisdiction to hear this matter pursuant to 28 U.S.C. §§157 and 1334.
2. On July 18, 2013, the Debtor, City of Detroit, Michigan, filed a petition for relief under Chapter 9 of the United States Bankruptcy Code.
3. The Debtor's filing instituted an automatic stay of proceedings against the Debtor pursuant to 11 U.S.C. §§362 and 922. This Stay was confirmed by this Court's July 25, 2013 Order that confirmed the existence of the Stay (Docket #167).
4. Movants, Kimberli Powell, *et. al.* are currently Chapter 13 Bankruptcy debtors that have pending Chapter 13 Cases. Movants have likewise filed adversary proceedings that seek a determination of Debtor's property tax and/or water liens in their properties. The adversary proceedings seek declaratory relief against the Debtor only.
5. Movants, in this Motion, include the following Chapter 13 Bankruptcy and adversary matters, currently pending in the United States Bankruptcy Court, Eastern District of Michigan:
 - a. **Kimberli Powell: Chapter 13 Bankruptcy Case No. 13-40036-WSD (Adversary Case No. 13-04134);**
 - b. **Louise Williams: Chapter 13 Bankruptcy Case No. 13-40374-MBM (Adversary Case No. 13-04215);**
 - c. **Ruthea Taylor: Chapter 13 Bankruptcy Case No. 13-41265-PJS (Adversary Case No(s) 13-04235, 13-04237 and 13-04239);**
 - d. **Sherwood & Barbara Butts: Chapter 13 Bankruptcy Case No. 13-42383-PJS (Adversary Case No. 13-04267);**
 - e. **Dorothy Wilson: Chapter 13 Case No. 13-43731-WSD (Adversary Case No. 13-04296); and**

**f. Quiwana Stewart: Chapter 13 Case No. 13-46273-SWR (Adversary Case
No. 13-04421)**

6. That confirmation of feasible Chapter 13 Plans of Movants are dependent upon the adjudication of the listed adversary proceedings. Some of these cases have been pending for as long as seven (7) months and therefore, it is imperative that these Chapter 13 debtors be permitted to prosecute these adversary proceedings to allow confirmation of their individual Chapter 13 Plans.

7. Movants only wish to obtain relief from the Stay against Debtor in order to pursue the relief sought in the adversary proceedings, which again, is limited to declaratory relief pertaining to the extent and classification of various City of Detroit property tax and/or water liens.

8. Movants attempted to obtain concurrence in the relief sought prior to filing this Motion; however, at the time this Motion was filed, Debtor and/or its duly authorized representative was unable to stipulate to this relief.

9. Attached is a proposed Order.

WHEREFORE Movants respectfully request this Honorable Court grant this Motion for Relief from the Automatic Stay to file or continue adversary proceedings against the Debtor in filed Chapter 13 cases to seek a determination of the extent of Debtor's tax and/or water liens in real property located within the City of Detroit, waive the provisions of FRBP 4001(a)(3) and for what further relief this Court deems equitable and just.

Respectfully submitted,

/s/ Corey M. Carpenter (P67818)
B.O.C. Law Group, P.C.
By: William R. Orlow (P41634)
C. Jason Cardasis (P54930)
Corey M. Carpenter (P67818)
Nicholas B. Andrew (P75381)
Attorneys for Movants
24100 Woodward Ave.
Pleasant Ridge, MI 48069
(248) 584-2100
coreycarpenter@boclaw.com

Dated: August 9, 2013

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:
CITY OF DETROIT, MICHIGAN

CASE NO. 13-53846
CHAPTER 9
JUDGE: STEVEN W. RHODES

Debtor

/

ORDER GRANTING OMNIBUS MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Kimberli Powell, *et. al.*, having filed a Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. §362(d)(1) and 11 U.S.C. §922 of the United States Bankruptcy Code; notice having been given to all interested parties; and the Court being fully advised in the premises;

NOW WHEREFORE;

IT IS HEREBY ORDERED that the Motion is Granted.

IT IS FURTHER ORDERED that pursuant to 11 U.S.C. §362(d) and 11 U.S.C. §922, the Automatic Stay is hereby vacated for the limited purposes of allowing Movants to continue litigation in certain adversary proceedings seeking declaratory relief against the Debtor, City of Detroit, Michigan, and which requests a determination of the extent and nature of real property and/or water bill liens held by the Debtor upon real properties in the City of Detroit, Michigan. These cases include:

- a. **Kimberli Powell: Chapter 13 Bankruptcy Case No. 13-40036-WSD (Adversary Case No. 13-04134);**
- b. **Louise Williams: Chapter 13 Bankruptcy Case No. 13-40374-MBM (Adversary Case No. 13-04215);**
- c. **Ruthea Taylor: Chapter 13 Bankruptcy Case No. 13-41265-PJS (Adversary Case No(s) 13-04235, 13-04237 and 13-04239);**
- d. **Sherwood & Barbara Butts: Chapter 13 Bankruptcy Case No. 13-42383-PJS (Adversary Case No. 13-04267);**
- e. **Dorothy Wilson: Chapter 13 Case No. 13-43731-WSD (Adversary Case No. 13-04296); and**
- f. **Qiwana Stewart: Chapter 13 Case No. 13-46273-SWR (Adversary Case No. 13-04421)**

IT IS FURTHER ORDERED that this order is effective immediately notwithstanding the provisions of F.R.B.P. 4001(a)(3).

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:
CITY OF DETROIT, MICHIGAN

CASE NO. 13-53846
CHAPTER 9
JUDGE: STEVEN W. RHODES

Debtor

**NOTICE OF KIMBERLI POWELL, ET. AL.'S OMNIBUS MOTION FOR
FOR RELIEF FROM THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. §362(d) AND 11 U.S.C. §922;
AND ENTRY OF ORDER WAIVING THE PROVISION OF FRBP 4001(a)(3)**

B.O.C. LAW GROUP, P.C. has filed papers with the Court.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the relief sought in the motion, or if you want the court to consider your view on the motion, within 15 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at
United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, Michigan 48226

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to:

B.O.C. Law Group, P.C.
Attorneys for Movants
24100 Woodward
Pleasant Ridge, MI 48069

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Respectfully submitted,

/s/ Corey M. Carpenter (P67818)
B.O.C. Law Group, P.C.
By: William R. Orlow (P41634)
C. Jason Cardasis (P54930)
Corey M. Carpenter (P67818)
Nicholas B. Andrew (P75381)
Attorneys for Movants
24100 Woodward Ave.
Pleasant Ridge, MI 48069
(248) 584-2100
coreycarpenter@boclaw.com

Dated: August 9, 2013

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:
CITY OF DETROIT, MICHIGAN

CASE NO. 13-53846
CHAPTER 9
JUDGE: STEVEN W. RHODES

Debtor

/

**BRIEF IN SUPPORT OF OMNIBUS MOTION FOR RELIEF FROM THE
AUTOMATIC STAY PURSUANT TO 11 U.S.C. §362 and 11 U.S.C. §922; AND ENTRY
OF ORDER WAIVING THE PROVISION OF FRBP 4001(a)(3)**

NOW COME Movants, and for this brief in support of this Motion, state:

Movants hereby rely on 11 U.S.C. §362(d)(1), 11 U.S.C. §922 and the statements made in this Motion in support of this request for Relief from the Automatic Stay.

WHEREFORE Movants respectfully request this Honorable Court grant this Motion for Relief from the Automatic Stay to file or continue adversary proceedings against the Debtor in filed Chapter 13 cases to seek a determination of the extent of Debtor's tax and/or water liens in real property located within the City of Detroit, waive the provisions of FRBP 4001(a)(3) and for what further relief this Court deems equitable and just.

Respectfully submitted,

/s/ Corey M. Carpenter (P67818)
B.O.C. Law Group, P.C.
By: William R. Orlow (P41634)
C. Jason Cardasis (P54930)
Corey M. Carpenter (P67818)
Nicholas B. Andrew (P75381)
Attorneys for Movants
24100 Woodward Ave.
Pleasant Ridge, MI 48069
(248) 584-2100
coreycarpenter@boclaw.com

Dated: August 9, 2013

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:
CITY OF DETROIT, MICHIGAN

CASE NO. 13-53846
CHAPTER 9
JUDGE: STEVEN W. RHODES

Debtor

CERTIFICATE OF SERVICE

Corey M. Carpenter hereby certifies that on August 9, 2013, he did serve the following documents: **Motion for Relief from the Automatic Stay, et. seq., Proposed Order, Notice of Motion for Relief, Brief in Support and Certificate of Service**, by filing said pleadings via the Court's ECF filing system, which will serve electronic notice upon:

**Office of the United States Trustee
211 W. Fort St., Ste. 700
Detroit, MI 48226**

City of Detroit

**C/o Jonathan S. Green
150 W. Jefferson
Ste. 2500
Detroit, MI 48226**

And via Regular Mail upon:

All Creditors on the attached Matrix

Respectfully submitted,

/s/ Corey M. Carpenter (P67818)

B.O.C. Law Group, P.C.

By: William R. Orlow (P41634)
C. Jason Cardasis (P54930)
Corey M. Carpenter (P67818)
Nicholas B. Andrew (P75381)

Attorneys for Movants
24100 Woodward Ave.
Pleasant Ridge, MI 48069
(248) 584-2100
coreycarpenter@boclaw.com

Dated: August 9, 2013

Label Matrix for local noticing
0645-2
Case 13-53846-swr
Eastern District of Michigan
Detroit
Wed Aug 7 11:02:07 EDT 2013

City of Detroit Water and Sewerage Department
615 Griswold
Suite 1708
Detroit, MI 48226-3990

Detroit Retired City Employees Association
P.O. Box 40713
Detroit, MI 48240-0713

Fidelity Management & Research Company
Hannah Kate Sullivan
One Spartan Way
Mail Zone TS2T
Merrimack, NH 03054-4300

Godfrey & Kahn, S.C.
One East Main Street, Suite 500
P.O. Box 2719
Madison, WI 53701-2719

Michigan Auto Recovery Service, Inc.
8850 Southfield
Detroit, MI 48228-1976

Resnick & Moss, P.C.
40900 Woodward Avenue
Suite 111
Bloomfield Hills, MI 48304-5116

State of Michigan
PO Box 30754
Lansing, MI 48909-8254

Upright Wrecking & Demolition, L.L.C.
5555 Connor Ave. Suite 1249
Detroit, MI 48213-3495

Andy Gravina
Special Handling Group-MD NC317
IBM Credit LLC
6303 Barfield Rd NE
Atlanta GA 30328-4213-53846-tjt Doc 312 Filed 08/09/13 Entered 08/09/13 10:09:33 Page 7 of 11

Bishop Real Estate, L.L.C.
c/o Stephen M. Gross, Esq.
39533 Woodward Ave.
Suite 318
Bloomfield Hills, MI 48304-5106

City of Detroit, Michigan
2 Woodward Avenue
Suite 1126
Detroit, MI 48226-3443

Eaton Vance Management
William Delahunty
2 International Place
Boston, MA 02110-4101

Financial Guaranty Insurance Company
125 Park Avenue
New York, NY 10017-5664

International Union, United Automobile, Aero
Solidarity House
8000 East Jefferson Avenue
Detroit, MI 48214-3963

New England Fertilizer Company

Retired Detroit Police Members Association
c/o Strobl & Sharp, P.C.
300 E. Long Lake Road, Suite 200
Bloomfield Hills, MI 48304-2376

State of Michigan, Department of Attorney General
c/o Dawn R. Copley
Dickinson Wright PLLC
500 Woodward Avenue, Suite 4000
Detroit, MI 48226-5403

Waste Management Inc. et al
c/o Jerry M. Ellis
39395 W. Twelve Mile Road
Suite 200
Farmington Hills, MI 48331-2968

City of Detroit Water and Sewerage Department
c/o Kilpatrick & Associates, P.C.
615 Griswold, Ste. 1708
Detroit, MI 48226-3990

Chase Paymentech, LLC
Attn: Lazonia Clark, Business Analyst
14221 Dallas Pkwy, Bldg II
Dallas, TX 75254-2942

DEPFA Bank PLC
c/o Schiff Hardin LLP
Rick L. Frimmer, Esq.
233 S. Wacker Dr., Ste. 6600
Chicago, IL 60606-6360

Erste Europaische Pfandbrief- und Kommunalbank
c/o Matthew G. Summers, Esquire
Ballard Spahr LLP
919 N. Market St., 11th Floor
Wilmington, DE 19801-3062

Gabriel, Roeder, Smith & Company
c/o Stevenson & Bullock, P.L.C.
Attn: Charles D. Bullock
26100 American Drive
Suite 500
Southfield, Mi 48034-6184

McAlpine PC
3201 University Dr., Suite 100
Auburn Hills, MI 48326-2396

Police and Fire Retirement System of the City
Detroit, MI 48226

Retired Detroit Police and Fire Fighters Association
Retired Detroit Police and Fire Fighters
2525 E. 14 Mile Rd
Sterling Heights, MI 48310-5969

Treasurer, City of Detroit
c/o Law Department
2 Woodward Ave.
Suite 500
Detroit, MI 48226-3440

Airgas USA, LLC
259 Radnor-Chester Road
Suite 100
P.O. Box 6675
Radnor, PA 19087-8675

Douglas C. Bernstein, Esq.
Plunkett Cooney
38505 Woodward Avenue, Suite 2000
Bloomfield Hills, MI 48304-5096

Enjoi Transportation, LLC
c/o Gudeman & Associates, PC
1026 W. Eleven Mile Road
Royal Oak, MI 48067-5401

Fidelity Management & Research Company
Hannah Kate Sullivan
One Spartan Way
Mail Zone TS2T
Merrimack, New Hampshire 03054-4300

Gary Segatti
c/o Yuliy Osipov, Esq.
20700 Civic Center Dr.
Ste.420
Southfield, MI 48076-4140

International Business Machines Credit LLC
Attn: National Bankruptcy Coordinator
IBM Corporation
275 Viger East, Ste. 400
Montreal, Quebec H2X 3R7 Canada

Iron Mountain Information Management, LLC
745 Atlantic Avenue
Boston, MA 02111-2735

Kurt Thornbladh, Esq.
Thornbladh Legal Group PLLC
7301 Schaefer
Dearborn, MI 48126-4915

LOWENSTEIN SANDLER LLP
Attn: Sharon L. Levine, Esq. and
Philip J. Gross, Esq.
65 Livingston Avenue
Roseland, New Jersey 07068-1725

MCKNIGHT, MCCLOW, CANZANO, SMITH & RADTKE, P
Attn: John R. Canzano, Esq.
400 Galleria Officentre, #117
Southfield, MI 48034-2161

MSC Industrial Supply Company
ATTN: Legal Department
75 Maxess Road
Melville, NY 11747-3151

Matthew G. Summers, Esquire
Ballard Spahr LLP
919 N. Market Street, 11th Floor
Wilmington, DE 19801-3062

Michigan Property Tax Relief, LLC
c/o Yuliy Osipov, Esq.
20700 Civic Center, Ste. 310
Southfield, MI 48076-4155

Nathaniel Brent
538 South Livernois
Detroit MI 48209-3031

National Industrial Maintenance - Michigan,
c/o Dean & Fulkerson
801 W. Big Beaver Road, Suite 500
Troy, MI 48084-4724

NuCO2
2800 S.E. Market Place
Stuart FL 34997-4965

P.P.T.A., Inc., or Harold Hoyt
c/o Yuliy Osipov, Esq.
20700 Civic Center Dr.
Ste. 420
Southfield, MI 48076-4140

Quill.com
Attn: Daneen Kastanek
1 Environmental Way
Broomfield CO 80021-3415

Staples, Inc.
Attn: Daneen Kastanek
300 Arbor Lake Drive
Columbia SC 29223-4582

U.S. Bank National Association
c/o Waller Lansden Dortch & Davis, LLP
Attn: David E. Lemke, Esq.
511 Union Street, Suite 2700
Nashville, TN 37219-1791

Upright Wrecking & Demolition
c/o Gudeman & Associates, PC
1026 W. Eleven Mile Road
Royal Oak, MI 48067-5401

Wells Fargo Financial Leasing, Inc.
800 Walnut Street
MAC N0005-055
Des Moines, IA 50309-3605

Xerox Corporation c/o
OSIPOV BIGELMAN, P.C.
2700 Civic Center Dr, Suite 420
Southfield, MI 48076

Bill Schuette
Michigan Department of Attorney General
P.O. Box 30754
Lansing, MI 48909-8254

Bruce Goldman

Caralyce M. Lassner
Caralyce M. Lassner, JD, PC
8300 Hall Road, Suite 201
Utica, MI 48317-5506

David Sole
2921 E Jefferson Ste 205
Detroit, MI 48207-4267

David Gilbert Heiman
901 Lakeside Avenue
Cleveland, OH 44114-1163

Deborah Kovsky-Apap
Pepper Hamilton LLP
4000 Town Center
Suite 1800
Southfield, MI 48075-1505

Donald Taylor
1809 Bullock Rd
Lapeer, MI 48446-9705

Donald Taylor
Retired Detroit Police and Fire Fighter
2525 E. 14 Mile Rd.
Sterling Heights, MI 48310-5969

Douglas C. Bernstein
Plunkett Cooney
38505 Woodward Avenue
Suite 2000

Heather Lennox
222 East 41st Street
New York, NY 10017-6739

Janet M Ziulkowski
Ziulkowski & Associates PLC
17001 Nineteen Mile Rd Ste 1-D
Clinton Township, MI 48038-4867

Jonathan S. Green
150 W. Jefferson
Ste. 2500
Detroit, MI 48226-4415

Kay Standridge Kress
4000 Town Center
Southfield, MI 48075-1410

Kenneth M. Schneider
Schneider Miller, P.C.
645 Griswold Ste. 3900
Detroit, MI 48226-4251

Leland Prince DTE Energy Co
DTE Energy Company
One Energy Plaza
688-WCB
Legal Department
Detroit, MI 48226-1221

Martin A. O'Brien
c/o A. Stephen Ramadan, PLC
22201 Harper Ave
St. Clair Shores, MI 48080-1865

Michael Joseph Karwoski
26015 Felicity Landing
Harrison Township, MI 48045-6401

Robbie Lee Flowers
6533 E. Jefferson, Apt 602T
Detroit, MI 48207-3784

Robert Davis
180 Eason
Highland Park, MI 48203-2707

Robert S. Hertzberg
4000 Town Center
Suite 1800
Southfield, MI 48075-1505

Shirley A Scott

Shirley V Lightsey
P.O. Box 40713
Detroit, MI 48240-0713

Shirley V Lightsey
President-Detroit Retired City Emp As
P.O. Box 40713
Detroit, MI 48240-0713

Stephen S. LaPlante
150 W. Jefferson Ave.
Suite 2500
Detroit, MI 48226-4415

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Ambac Assurance Corporation

(u)Assured Guaranty Municipal Corp.

(u)BlackRock Financial Management, Inc.

(u)Blue Cross Blue Shield of Michigan and Blu

(u)Courtesy Notice

(u)Detroit Fire Fighters Association, I.A.F.F.

(u)Detroit Institute of Arts

(u)Detroit Police Command Officers Associatio

(u)Detroit Police Lieutenants and Sergeants A

(u)Detroit Police Officers Association

(u)Deutsche Bank Securities Inc.

(u)Enjoi Transportation, LLC

(u)General Motors LLC

(u)General Retirement System of the City of D

(u)Genuine Parts Company

(u)Health Alliance Plan of Michigan

(u)Hercules & Hercules, Inc.
19055 W. Davidson
Detroit

(u)IBM Credit LLC

(u)International Business Machines Credit LLC

(u)Merrill Lynch Capital Services, Inc.

(u)Michigan Bell Telephone Company d/b/a AT&T

(u)Michigan Council 25 Of The American Federa

(du)Michigan Council 25 of the American Feder

(u)Michigan Property Tax Relief, LLC

(u)National Public Finance Guarantee Corporat

(u)Nuveen Asset Management

(u)P.P.T.A., Inc., or Harold Hoyt

(u)Schneiderman and Sherman, P.C.

(u)Syncora Capital Assurance Inc.

(u)Syncora Guarantee Inc.

(u)Syncora Holdings Ltd.

(u)U.S. Bank N.A.

(u)UBS AG

(u)US Health & Life Insurance Company

(u)United States Nuclear Regulatory Commissio

(u)United States of America

(u)Wade Trim Associates, Inc.

(u)Xerox Corporation

(u)Brown Rehabilitation Management, Inc.
29688 Telegraph
Suite 100
Southfield48034

(d)Chase Paymentech, LLC
Attn: Lazonia Clark, Business Analyst
14221 Dallas Pkwy, Bldg II
Dallas, TX 75254-2942

(d)Eaton Vance Management
William Delahunty
2 International Place
Boston, MA 02110-4101

(d)Iron Mountain Information Management, LLC
745 Atlantic Avenue
Boston, MA 02111-2735

(d)Michigan Auto Recovery Service, Inc.
8850 Southfield
Detroit MI 48228-1976

(du)Michigan Council 25 of the American Feder

(u)Daniel M. McDermott

(u)Gary Segatti

(u)Mary Washington

(u)Mary Whitson

(u)Michael Wells

(d)Nathaniel Brent
538 South Livernois
Detroit, MI 48209-3031

End of Label Matrix	
Mailable recipients	74
Bypassed recipients	50
Total	124